

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TETYANA DORSANEO,

Plaintiff,

v.

EDWARD MATTHEW DORSANEO,

Defendant.

Case No. [17-cv-00765-VC](#)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

Re: Dkt. Nos. 87, 97

Tetyana's motion for summary judgment is granted. The Court previously found Edward liable for damages to Tetyana under the Form I-864 contract and left discovery open as to the amount of financial assistance he owed. *See* Dkt. No. 55. Tetyana has now presented evidence that Edward owes her \$49,775.81 in compensatory damages under the I-864 contract. Edward has not presented any evidence disputing this amount. To the extent that Edward attempts to relitigate the issue of liability, his arguments do not establish a genuine dispute of material fact as to the amount of damages he owes.¹

In addition, Tetyana is entitled to prejudgment interest in this case. *See Home Savings Bank, F.S.B. by Resolution Trust Corp. v. Gillam*, 952 F.2d 1152, 1161 (9th Cir. 1991). However, the prejudgment interest rate in this case should be based on the federal rate outlined in 28 U.S.C. § 1961(a). *See Western Pacific Fisheries, Inc. v. SS President Grant*, 730 F.2d 1280, 1289 (9th Cir. 1984). Therefore, Tetyana is awarded \$49,775.81 in compensatory damages and prejudgment interest at the rate outlined in 28 U.S.C. § 1961.

¹ Edward's request for judicial notice is granted. Fed. R. Evid. 201.

There is no evidence of a terminating event having occurred that would end Edward's ongoing obligation under the statute. *See* 8 C.F.R. § 213a.2(e)(2)(i). Therefore, Edward is ordered to continue meeting his I-864 financial support obligation to Tetyana until a terminating event occurs. *See, e.g., Erler v. Erler*, No. 12-cv-02793-CRB, 2017 WL 5478560, at *9 (N.D. Cal. Nov. 15, 2017).

Within 7 days of this ruling, Tetyana is ordered to submit a proposed judgment reflecting this ruling, including an award of interest at the rate required by this ruling. Tetyana's counsel should separately file a declaration explaining how the total amount of interest owed was calculated. Tetyana's counsel must submit a draft of the proposed judgment to Edward's counsel within 5 days of this ruling to give Edward's counsel an opportunity to object (with the understanding that the only appropriate objection at this point could be that the proposed judgment does not conform with this ruling).

IT IS SO ORDERED.

Dated: February 24, 2018



VINCE CHHABRIA
United States District Judge